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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 DAISY DELGADO,  
15 Defendant.

Case No. 2:19-mj-0770-NJK

**STIPULATION TO AMEND  
COMPLAINT AND CLOSE CASE**

16 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
17 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel  
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Robert  
19 O'Brien, Assistant Federal Public Defender, counsel for Daisy Delgado, that the parties request  
20 that this Court (1) permit the government to file an amended complaint, changing count one to  
21 a charge of Reckless Driving, (2) allow Ms. Delgado to plead guilty to amended Count One,  
22 and (3) apply the original sentence to the Reckless Driving conviction.

23 This Stipulation is entered into for the following reasons:

24 1. This Court has scheduled a status conference for January 7, 2021 for an update  
25 on whether all the conditions of probation have been satisfied.  
26

1           2.       On December 18, 2019, Daisy Delgado pled guilty to Driving Under the  
2 Influence (count one of the Complaint).<sup>1</sup> On the same day, this Court sentenced her to one-year  
3 of unsupervised probation with the following special conditions: (a) pay a \$1,000.00 Fine and  
4 \$10.00 mandatory penalty assessment; (b) complete the Lower Court Counseling's DUI Course  
5 and Victim Impact Panel; (c) refrain from entering the Lake Mead National Recreation Area  
6 for six months; (d) refrain from violating any local, state or federal laws.

7           3.       Pursuant to the terms of the guilty plea,<sup>2</sup> if Ms. Delgado paid her fine and  
8 completed her classes within the first six months of probation, the parties agreed to jointly move  
9 to allow Ms. Delgado to withdraw her guilty plea to Driving Under the Influence (count one).  
10 The government would then move to amend Count One to a charge of Reckless Driving and  
11 Ms. Delgado would plead guilty to Amended Count One. The parties will jointly request that  
12 the original sentence be applied to the Reckless Driving conviction.

13           4.       Due to unemployment and financial issues arising as a result of the COVID-19  
14 pandemic, the government agreed to extend the time until the end of 2020 for Ms. Delgado to  
15 pay her fines and complete her classes.

16           5.       As of December 31, 2020, Ms. Delgado has completed her court-ordered  
17 probation conditions, including paying her fine, completing required classes, remaining out of  
18 Lake Mead National Recreation Area, and refraining from any law enforcement contact.  
19 Additionally, she has completed her one year of probation without incident.

20           6.       As a result, the parties request that this Court (a) permit the government to file  
21 an amended complaint, changing count one to a charge of Reckless Driving, (b) allow Ms.  
22 Delgado to plead guilty to amended Count One, and (c) apply the original sentence to the  
23 Reckless Driving conviction.

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25           <sup>1</sup> ECF Nos. 9-10.

26           <sup>2</sup> ECF No. 10.

1 DATED this 4<sup>th</sup> day of January, 2021.

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3 RENE L. VALLADARES  
4 Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

5 By /s/ Robert O'Brien

By /s/ Rachel Kent

6 ROBERT O'BRIEN  
7 Assistant Federal Public Defender

RACHEL KENT  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DAISY DELGADO,

7 Defendant.  
8

Case No. 2:19-mj-00770-NJK

**ORDER**

9  
10 IT IS ORDERED that the parties' stipulation, Docket No. 17, is DENIED as  
11 unnecessary.

12 IT IS FURTHER ORDERED that the United States must file an amended  
13 complaint, in compliance with the Court's prior order, no later than January 4, 2021.  
14 The hearing set for January 7, 2021, at 1:30 p.m., remains.

15 DATED this 4th day of January, 2021.

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18 UNITED STATES MAGISTRATE JUDGE  
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